

**Illinois Health Information Exchange  
Legal Task Force  
Disclosure of Clinical Lab Test Results; Prescription Drug  
Information; Payment Claims Work Group  
February 10, 2011  
Meeting Minutes**

In-person Attendees:

Mark Chudzinski, Office of Health Information Technology  
Vaughn Ganiyu, Office of Health Information Technology  
Eiphanis Iregbu, University of Illinois at Chicago College of Pharmacy  
Edward Kim, University of Illinois at Chicago College of Pharmacy  
Edward Rickert (Co-Chair), Krieg DeVault LLP

Attended by Phone:

Cliff Berman (Co-Chair), SXC Health Solutions Corp.  
Richard Elmore, Allscripts  
William Galanter, University of Illinois at Chicago  
Daniel Gottlieb, McDermott Will & Emory  
Jill Helm, Allscripts (represented by proxy)  
Wanda Satkas, Illinois Department of Human Services  
Marilyn Vetter, Takeda Pharmaceuticals NA, Inc.

**A. Introduction**

Edward Rickert, as co-chair of the work group, opened the meeting at 10:05 a.m. and welcomed members to the call, which was hosted by the Office of Health Information Technology (OHIT) at the State of Illinois J.R. Thompson Center in Downtown Chicago with a telephone conference call-in number. It was noted that notice of the meeting and the agenda were posted on the OHIT website and at the Chicago meeting location no later than 48 hours prior to the meeting. Roll was taken, and the ability of those attending by telephone to hear and participate was confirmed.

Mark Chudzinski, General Counsel of the State of Illinois Office of Health Information Technology, welcomed the meeting participants and noted that the state of Illinois is committed to the development and implementation of a statewide health information exchange (HIE) in order to: improve health outcomes, achieve better care coordination among providers, reduce medical errors, reduce health disparities, and control health care costs.

Additionally, Mark Chudzinski gave an overview of OHIT and presented the goal of the HIE Legal Task Force as identifying shortcomings in Illinois laws that impede health information exchange, and proposing solutions to such shortcomings. He noted that OHIT is actively seeking the involvement of knowledgeable individuals from the private sector in providing non-binding

advice with respect to the challenges presented by Illinois law for the development of health information technology in the State of Illinois. The HIE Legal Task Force will solely provide non-binding advice to OHIT, which will have exclusive authority in its absolute discretion to adopt, or reject, any such advice. (In turn, any recommendations that may be made by OHIT to the Illinois General Assembly and/or the Illinois Health Information Exchange Authority (currently in formation) (“HIE Authority”) are purely advisory, and may be accepted or rejected by such other bodies in their sole discretion.) All workgroup discussions and work product of the Task Force will be both “vendor-neutral” and “client-neutral”; the Task Force will not assist the State of Illinois, OHIT, the Authority, or any other State of Illinois agency in reviewing, drafting, or preparing a request for proposal or request for information relating to State of Illinois procurements, or in determining whether there is a need for a contract to be entered into by the State of Illinois, OHIT, the Authority, or any other State of Illinois agency. The Task Force will not review or discuss any vendor-specific solutions that may someday be considered for procurement by the State of Illinois, OHIT, the Authority, or any other State of Illinois agency. The Task Force will not participate in the making of any regulatory or licensing decisions of the HIE Authority, or of any other State of Illinois agency.

## **B. Background Information and Charter**

Ed Rickert began the meeting by discussing the important role that clinical lab test results play in the health care field due to the fact that it touches on every aspect of health care through the interactions between physicians, pharmacists, and nurses. Then Ed briefly discussed the importance of prescription drug information noting that physicians need access to prescription drug information to make meaningful prescribing decisions while pharmacists use this information to reform drug use review and ensure the medications are appropriate. Then Ed explained the importance of payment claims as it related to labs, pharmacists, and physicians.

A member of the group, asked Mark if the scope of review for the work group would be limited to Illinois law or if the group could also make recommendations on the federal level? Mark explained that the primary issues for the group will be focusing on resolving state issues through recommending statutory amendments or proposing new regulations promulgated by the Health Information Exchange Authority. Mark further explained that if there is a federal issue that the group needs to address there is no restriction or limitation placed on the group in making recommendations to the federal government which aid in the implementation of an HIE in Illinois.

Ed then briefly reviewed the documents he sent out to each of the members of the group through e-mail. He then requested each member to send him their preferred mailing address so he could mail a CD-ROM containing relevant state laws that will assist the group in conducting

their legal analysis. Mark then briefly summarized the architecture of the HIE illustrated by a flow sheet provided by Ed.

Next, Ed explained that the goal of the work group was two-fold: (1) the legal analysis of existing state laws and federal laws and (2) the development of use cases from practitioners. Ed emphasized that it was important to identify any possible legal obstacles or gaps in the current laws that may interfere with the construction of a statewide HIE in Illinois. Additionally, he explained that it was important for practitioners in the group to develop use cases to show how health care information is used and shared under the existing legal framework.

A member of the group commented that they are working alongside Blue Cross Blue Shield and other organizations reviewing use cases and thus, the need to develop more use cases for the purposes of this work group may not be as necessary. Ed encouraged the member to share his sample of use cases with him in hopes of assisting the group with their overall task.

### **C. Legal Analysis Task**

Ed directed the group's attention to a legal work group analysis worksheet consisting of various issues, assumptions, and questions pertaining to the implementation of a statewide HIE in Illinois that can be used as a starting point for the group's legal analysis. Ed informed the group that they should look through the worksheet and suggest any changes they believe should be made in order to make it more effective in accomplishing the clinical lab group's goals.

Ed then briefly reviewed each section of the worksheet with the group. In reviewing the worksheet, the group should focus on the relevant statutes, administrative regulations, and relevant case law when providing answers to the questions on the worksheet.

A member asked what is the current sense of functionality as it relates to the various questions on the worksheet, such as whether there is software currently available that can monitor the status of individual consent requests made by a given patient? Mark emphasized that the group could also make specific functionality recommendations for the HIE that can be passed along to the technical work group so that they may make more informed decisions regarding the functional aspects of the HIE.

Ed then encouraged the members to review the CD-ROM containing the relevant statutes and rules and select the provisions each member is interested in reviewing and report back to him through e-mail. Mark also offered the assistance of several interns from OHIT to assist the group in any research or drafting assignments that need to be completed in the following months.

A member of the group suggested that if any member of group knows of anyone from Blue Cross Blue Shield with experience in payment claims or e-prescribing issues they should discuss the opportunity with them to possibly participate in the work group.

A member asked if there is an intent to share reimbursement information as well as treatment information in the HIE?

#### **D. Closing Remarks and Adjournment**

At the end of the clinical lab work group's meeting, Ed reassured the group that he would send the CD-ROM along with other reference materials to the members of the group. He further stated that a meeting poll would be sent out through e-mail to determine a date for the next meeting.

There was no public comment in response to the Co-Chair's invitation for public comment.

The meeting adjourned at 10:59 a.m.